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OFFICE OF PETITIONS

In re Application of :
Tsuyoshi Kaneko :
Application No. 10/849884 :
Filing or 371(c) Date: 05/21/2004 :
Attorney Docket Number: :
119593 : **ON PETITION**

This is a decision on the "Petition Under 37 C.F.R. § 1.181 to Reset Period for Reply to Office Action and to Withdraw Holding of Abandonment – Office Action not Received, filed June 14, 2007. The petition is properly treated as a Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action under 37 CFR 1.181(a) See, MPEP 711.03(c). The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed March 15, 2007. The Office communication set a one (1) month or 30 day period for reply, whichever was longer. No response having been received, the application became abandoned on April 16, 2007. A Notice of Abandonment was mailed June 7, 2007.

With the instant petition, Applicant has demonstrated non-receipt of the Office communication by a preponderance of the evidence¹.

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to the Publishing Division for re-mailing of the Office communication to the current correspondence address and re-setting the period for reply.

¹ Office records reveal that the Office communication was returned to this Office by the USPS undelivered.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

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